

AMENDED IN ASSEMBLY APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2628**

**Introduced by Assembly Member Pavley**  
**(Principal coauthor: Assembly Member Nakano)**  
***(Coauthors: Assembly Members Chavez, Frommer, Hancock,***  
***Harman, Lieber, Levine, Longville, Matthews, and Nation)***  
***(Coauthor: Senator Denham)***

February 20, 2004

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An act to amend Section 5205.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2628, as amended, Pavley. Vehicles: preferential lanes.

(1) Existing law permits the use of exclusive or preferential use of highway lanes or highway access ramps by ultra low-emission vehicles (ULEV) and super ultra-low emission vehicles (SULEV), that have displayed a distinctive decal, label, or other identifier issued by the Department of Motor Vehicles.

Existing law requires, if the Metropolitan Transportation Commission, serving as the Bay Area Toll Authority, grants toll-free and reduced-rate passage on toll bridges under that commission's jurisdiction to any vehicle pursuant to law, that commission grant the same toll-free and reduced-rate passage to vehicles displaying a valid ULEV or SULEV identifier issued pursuant to the above.

This bill would include ~~vehicles~~ *a hybrid vehicle* that ~~meet~~ *meets* California's advanced technology partial zero-emission vehicle (AT PZEV) standard for criteria pollutant emissions ~~that are rated at 45~~

~~miles per gallon or higher on the federal highway fuel economy test procedure and has a 45 miles per gallon or greater fuel economy highway rating, and gas/electric a hybrid vehicle that were was produced during the 2004 model year or earlier and have has a combined fuel economy rating of 45 miles per gallon or greater according to the federal highway fuel economy test procedure standard highway rating and meet meets~~ California's ultra-low emission vehicle (ULEV), *super ultra-low emission vehicle (SULEV), or partial zero-emission vehicle (PZEV) standards* for exhaust emissions, within the scope of vehicles permitted to be issued a decal, label, or other identifier to use the exclusive or preferential highway lanes or highway access ramps and toll-free and reduced-rate passage on specified bridges. To the extent that this would increase the level of service of the commission, the bill would impose a state-mandated local program.

The bill would not allow a *hybrid* vehicle that meets the AT PZEV standards, except as specified, or a described ~~gas/electric~~ hybrid vehicle, to be issued a decal, label, or other identifier unless and until the federal government acts to approve the use of high occupancy vehicle lanes by ~~hybrid~~ those vehicles regardless of the number of occupants.

*The bill would prohibit the Department of Motor Vehicles from issuing more than 75,000 decals, labels, or other identifiers. The bill would require the Department of Motor Vehicles to stop issuing those decals, labels, or other identifiers, if the Department of Transportation makes a specified determination after at least 50,000 of those decals, labels, and identifiers are issued.*

(2) Existing law authorizes the Governor to remove individual high-occupancy vehicle lanes, *or a portion of those lanes*, during periods of peak congestion from the ILEV and AT PZEV access after certain findings are made by the Department of Transportation.

This bill would grant the Department of ~~Motor Vehicles~~ *Transportation* that authority rather than the Governor.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5205.5 of the Vehicle Code is amended  
2 to read:  
3 5205.5. (a) For the purposes of implementing Section  
4 21655.9, the department shall make available for issuance, for a  
5 fee determined by the department to be sufficient to reimburse the  
6 department for actual costs incurred pursuant to this section,  
7 distinctive decals, labels, and other identifiers that clearly  
8 distinguish the following vehicles from other vehicles:  
9 (1) A vehicle that meets California's super ultra-low emission  
10 vehicle (SULEV) standard for exhaust emissions and the federal  
11 inherently low-emission vehicle (ILEV) evaporative emission  
12 standard, as defined in Part 88 (commencing with Section  
13 88.101-94) of Title 40 of the Code of Federal Regulations.  
14 (2) A *hybrid* vehicle that meets California's advanced  
15 technology partial zero-emission vehicle (AT PZEV) standard for  
16 criteria pollutant emissions that is rated at 45 miles per gallon or  
17 higher on the federal highway fuel economy test procedure.  
18 ~~(3) A gas/electric hybrid vehicle that was produced during the~~  
19 ~~2004 model year or earlier and has a combined fuel economy~~  
20 ~~rating of 45 miles per gallon or greater according to the federal~~  
21 ~~highway fuel economy test procedure, and meets California's~~  
22 ~~ultra-low emission vehicle (ULEV) standard for exhaust~~  
23 ~~emissions.~~ *pollutant emissions and has a 45 miles per gallon or*  
24 *greater fuel economy highway rating.*  
25 (3) *A hybrid vehicle that was produced during the 2004 model*  
26 *year or earlier and has a 45 miles per gallon or greater fuel*  
27 *economy highway rating, and meets California's ultra-low*  
28 *emission vehicle (ULEV), super ultra-low emission vehicle*  
29 *(SULEV), or partial zero-emission vehicle (PZEV) standards for*  
30 *exhaust emissions.*

(b) Neither an owner of a *hybrid* vehicle that meets the AT PZEV standard, with the exception of a vehicle that meets the federal ILEV standard, nor an owner of a ~~gas/electric~~ hybrid vehicle described in paragraph (3) of subdivision (a), is entitled to a decal, label, or other identifier pursuant to this section unless, and until, the federal government acts to approve the use of high occupancy vehicle lanes by ~~hybrid vehicles~~ *vehicles of the types identified in paragraph 2 or 3 of subdivision (a)*, regardless of the number of occupants.

(c) The department shall include a summary of the provisions of this section on each motor vehicle registration renewal notice, or on a separate insert, if space is available and the summary can be included without incurring additional printing or postage costs.

(d) ~~The department~~ *Department of Transportation* may remove individual high-occupancy vehicle (HOV) lanes, or portions of those lanes, during periods of peak congestion from the access provisions provided in subdivision (a), following a finding by the Department of Transportation as follows:

(1) The lane, or portion thereof, exceeds a level of service C, as discussed in subdivision (b) of Section 65089 of the Government Code.

(2) The operation or projected operation of the vehicles described in subdivision (a) in these lanes, or portions thereof, will significantly increase congestion.

The finding also shall demonstrate the infeasibility of alleviating the congestion by other means, including, but not limited to, reducing the use of the lane by noneligible vehicles, or further increasing vehicle occupancy.

(e) For purposes of subdivision (a), the Department of the California Highway Patrol shall design and specify the placement of the decal, label, or other identifier on the vehicle. Each decal, label, or other identifier issued for a vehicle shall display a unique number, which number shall be printed on, or affixed to, the vehicle registration.

(f) *(1) For purposes of subdivision (a), the department shall issue no more than 75,000 distinctive decals, labels, or other identifiers that clearly distinguish the vehicles specified in paragraphs (1) to (3), inclusive, of subdivision (a). If the Department of Transportation determines, after issuing at least 50,000 distinctive decals, labels, or other identifiers that clearly*

1 *distinguish the vehicles specified in paragraphs (1) to (3),*  
2 *inclusive, of subdivision (a), that significant high-occupancy*  
3 *vehicle lane breakdown has occurred throughout the state, the*  
4 *department shall stop issuing those decals, labels, and other*  
5 *identifiers.*

6 *(2) For purposes of this subdivision, “significant*  
7 *high-occupancy vehicle lane breakdown” means \_\_\_\_\_.*

8 *(g) If the Metropolitan Transportation Commission, serving as*  
9 *the Bay Area Toll Authority, grants toll-free and reduced-rate*  
10 *passage on toll bridges under its jurisdiction to any vehicle*  
11 *pursuant to Section 30102.5 of the Streets and Highways Code, it*  
12 *shall also grant the same toll-free and reduced-rate passage to*  
13 *vehicles that meet one of the standards contained in subdivision*  
14 *(a).*

15 ~~*(g) displaying a valid identifier issued by the department*~~  
16 ~~*pursuant to subdivision (a).*~~

17 *(h) This section shall remain in effect only until January 1,*  
18 *2008, and as of that date is repealed, unless a later enacted statute,*  
19 *that is enacted before January 1, 2008, deletes or extends that date.*

20 SEC. 2. Notwithstanding Section 17610 of the Government  
21 Code, if the Commission on State Mandates determines that this  
22 act contains costs mandated by the state, reimbursement to local  
23 agencies and school districts for those costs shall be made pursuant  
24 to Part 7 (commencing with Section 17500) of Division 4 of Title  
25 2 of the Government Code. If the statewide cost of the claim for  
26 reimbursement does not exceed one million dollars (\$1,000,000),  
27 reimbursement shall be made from the State Mandates Claims  
28 Fund.